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The Backdoor to the Digital Realm

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The Backdoor to Privacy in the Digital Realm



securitynewspaper

Jessica Peregrina
Senior Capstone
Pre-law
Research Essay
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Division of Humanities and Communication
Spring 2016

Acknowledgments

I dedicate this project to my family. Thank you for supporting me these past four years. I couldn't have gotten this far without you.

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HCOM 475: Senior Capstone Project Proposal Essay Option

Prepare a (typed) document responding fully to all of the prompts below. Be sure to use numbers to indicate which prompt you are addressing in each of your responses.

1. **Provide your name and identify your area of concentration**

Jessica Peregrina

Area of Concentration: Pre-law

2. **Focus:** Identify the *specific* issue, problem, or question addressed in your essay. Be sure to frame as a question. Briefly explain why you chose this focus area.

Is technology infringing on our right to privacy in the U.S.?

3. **Alignment with Common Theme:** Provide a *concise overview* of your project's *direct alignment* with this semester's shared theme of inquiry.

Privacy is something we cherish as humans; being able to do have the ability to keep some aspect of our lives a secret allows us to keep a wall around us for protection. We pay doctors and attorneys to keep our information private but we often use technology to expose our lives to strangers.

4. **Purpose:** What is your project's primary purpose? What do you hope to accomplish through this project?

In my paper I want to explore the views Americans have towards surveillance in general. In a report conducted by the Pew Research Center identified two different views of surveillance in the United States. Correspondingly, I want to explore the argument of

privacy; with technology at our fingertips it is easier for us to tell our *online friends* what we are doing. Companies like Facebook, Twitter and Instagram allow us to pinpoint our exact location. I want to figure out how far our right to privacy goes when we expose our lives on the internet for anyone to see. Does this take away our right to privacy? I am hoping to answer this question in my paper.

5. **Capstone Title:** What is your project's working title?

Privacy: a right or a privilege?

6. **Working Summary:** Provide a one-paragraph working summary of your project...

My plan as of now is to begin my research on privacy laws, this is going to be the foundation of my paper because it will give me information to why these laws were created. Then, I would like to venture into the advancement of technology and its affect on privacy. I also want to bring in the government's use of electronic surveillance into my paper. I am still unsure beyond this point because I predict that my research will me more insights on the issues technology raises.

7. **Sources:** Address each of the following:

- *In order to complete your project, what additional knowledge, insights, skills, understanding, and/or other resources and tools do you anticipate needing?*

In order for me to complete my project to the best of my ability I need to know more about the laws in place that focus on the act of surveillance and privacy. The first laws that were put in place allowing the government to have the ability to know more about us with the help with technology have changed over time so I need to know why changed occurred.

- Describe the kinds of primary and/or secondary sources you intend to use for your inquiry. This could include collecting original oral histories, analyzing government

statistics, consulting scholarly peer-reviewed articles, books, and websites, among others.

If you have consulted sources to get started, list them here.

The primary sources that I am going to use are government issued sources that will allow me to study the basis of the laws surrounding privacy and surveillance. I have the ability to look online or read government issued documents but I believe that my best insight is going to come from those who practice the law. Another primary sources I am going to rely heavily on is peer-reviewed articles because they are often heavy opinionated sources. As for secondary sources, I would like to use public opinion. Asking my peers on their opinion towards privacy and social media. Another secondary form of secondary source that will be useful for my project is films/documentaries. This form of media will allow me to gain a different perspective because most focus on certain events which can be used as great examples in my paper.

8. **Next Steps:** What steps will you need to take to meet your project's expectations, including preparation of all required deliverables? (be as specific as possible)

It is important for me to set my own deadlines in addition to our class deadlines. Maybe setting research deadlines every week so that I can have new information every week to add to my essay. In addition, I want to have multiple drafts of my outlines and papers because it will help my final paper be better. I would like to meet with my instructor more often now that I have an idea of what I am going to make sure that my ideas are leading me on the right path.

9. **Timeline:** Provide a detailed (and realistic) timeline for completion of each step required to meet the project's expectations.

02/18—proposal due

02/22—begin privacy law research

02/25—final proposal due

03/01—gather online research

03/04—begin library research

03/08—begin online survey

03/24—organize my research

03/21—begin timeline

03/25—revise first draft of timeline

03/30—revise timeline

04/05—begin essay drafts

04/10—begin revisions of drafts

The Backdoor to Privacy in the Digital Realm

Ever since the exposure of the NSA's (National Security Agency) access to the metadata of calls being made by Verizon customers back in 2013, there has been a nationwide discussion over whether or not their actions can be considered constitutional (Black). Although a majority of American citizens viewed the NSA surveillance as an "acceptable way for the government to investigate terrorism," nevertheless, 41% of Americans still believed that it was unacceptable (Pew Research Center). What caused such an outrage when Edward Snowden released the records of the NSA was the realization that the agency did not need probable cause to obtain the contents of the calls. In turn, this caused the ongoing debate in the U.S. between national security and privacy rights to reveal the basic issues surrounding the constitutional implications of privacy in the digital realm. While national security is argued to be far more important than privacy rights in the United States, in spite of everything, the Bill of Rights were established to guarantee that any form government can never deprive citizens of the U.S. certain fundamental rights, including privacy, when no crime is taking place.

Questioning Privacy in the U.S.

During Apple's first Keynote of the year Tim Cook, the company's CEO, addressed the elephant in the room and gave a statement regarding their resistance in assisting the Federal Bureau of Investigation's investigation of the mass shooting that took place at the Inland Regional Center in San Bernardino, California the previous year. Cook had previously stated in a separate statement that the company has "done everything that is both within our power and within the law to help," but what they were asking for was crossing the line of privacy. He proceeded to ask the audience and those watching from their iOS device the following: "How much power should the government have over our data? Over our privacy?" (Apple Inc.).

Answering Cook's proposed questions is not as simple as one might think. As I will propose in my paper, the complexity behind the question stems from the term privacy because its never specifically stated in the U.S. Constitution.

Attempting to Define Legal Privacy

If one were look up the definition of privacy in a standard dictionary, they would find the following: Privacy: *noun*, the state of being alone; the state of being away from other people; the state of being away from public attention (Merriam-Webster). This definition of privacy is considered to be a very generic and useful definition, but what happens when it is applied in law. Can this definition hold in a court of law? Most likely not, due to the lack of legality it neglects. Attempting to define privacy as a legal term is far more challenging because similar to laws, its all based upon interpretation. In the United States, privacy is viewed as a right and not a privilege until as some may argue, becomes a burden to the government (Black).

According to the Legal Information Institute of Cornell University, "although not explicitly stated in the text of the Constitution, in 1890 then to be Justice Louis Brandeis extolled 'a right to be left alone'" (Wisconsin Law Review). Brandeis was not the only one who believed we are entitled to such rights. Parallel to Brandeis' initial definition to privacy, scholars Louis Henkin, Alan Westin, and Ruth Gavison crafted their own definition of privacy years after. Henkin believed that privacy was within "the boundaries of autonomy" which to some degree is highly prioritized in the United States. Alan Westin, on the other hand, viewed privacy as a "citizens' ability to regulate information about themselves, and thus control their relationships with other human beings." Both definitions use the control over oneself as an important factor in maintaining privacy in the U.S.

Ken Gormley, the dean of the school of law at Duquesne University, believes that in order to have the ability to be able to define privacy as a legal term it must not focus on merely one aspect of privacy. Gormley claims there is no “one-size-fits-all definition of legal privacy because it actually consists of five distinct species,” in which both societal and technological changes are addressed. However, when discussing the debate of privacy and national security only three out of Gormley’s five can be applied. The three distinct species I will use to try and define privacy as a legal term are: Tort Privacy, Fourth Amendment Privacy, and First Amendment Privacy.

While each of Gormley’s points introduces a new sector of legal privacy, we must first understand how each point helps define privacy in a general understanding.

Tort Privacy

Let’s begin with trying to break down tort privacy. Alone, tort is defined as a “civil wrong or wrongful act” either done on purpose or accident (Richards). By introducing privacy and tort together it becomes easier to expose the infringement of one’s rights. In addition, tort privacy is used for protecting an American citizen “private information against unwanted collection, use and disclosure,” and protect an individual “against emotional injury and is directed by design against disclosure of true, embarrassing facts by the media” (Richards).

As Americans, we have the right to keep certain personal information private. For instance, the doctor-patient confidentiality agreement our physician reminds us about during our yearly visits is the most well-known form of privacy. Even with the reminder of this confidentiality agreement, our information may still be accessible to the U.S. Government for security purposes. For example, under the Health Insurance Portability and Accountability Act of 1996 doctors, hospitals and medical record facilities are asked to disclose “health information to

authorized federal officials who are conducting national security and intelligence activities or providing protective services to the President or other important officials” (U.S. Department of Health & Human Services). Regardless of the government’s accessibility to our personal medical records, one may argue that it is necessary for them to be able to access certain information for security purposes. Yet, some claim this acts infringes their privacy rights. But if a warrant is in place and the individual has given probable cause to trigger an investigation, then what is the problem?

The problem on hand is the infliction of emotional distress that is produced when sensitive medical information is exposed. In a recent case, *Jennifer Farr v. New Life Associates and Planned Parenthood Indiana Inc.*, Farr claimed that the exposure of her medical records was a breach of physician-patient privilege. Another thing to note in this case is Farr’s use of the term privilege. As previously stated, in the U.S. it is implied that privacy is a right until it enters the legal world. We can argue that Farr’s attorney decided to use privilege instead of rights because privilege can be taken away and rights cannot.

The reason for Farr’s initial complaint was due to the Putman County Prosecutor’s Office requesting Planned Parenthood to produce any medical records they collected of Jennifer Farr. In compliance with the court, Planned Parenthood turned over any medical records that were asked. Farr’s complaint made it clear that the disclosure of private facts had caused “negligent infliction of emotional stress” (Lynch). The courts sided with Planned Parenthood due HIPPA’s permission of public disclosure of medical records if there is a subpoena or court order. Nevertheless, Farr still considered the easy accessibility to her personal records as emotional injury and should not be permitted. This when privacy becomes a critical opponent of security.

Fourth Amendment Privacy

This is something that must be explored in its depth and it jumps right into Gormley's next point, Fourth Amendment Privacy. First, let's begin with understanding the Fourth Amendment of the U.S. Constitution. The Fourth Amendment states the following: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized" (GPO). Meaning the government cannot just search an individual without probable cause or without an official document stating that they have permission to do so. The key things to look at when discussing the fourth amendment is the qualifications of a search and the tension it is forming due to the rapid advancement of technology. When the amendment was first ratified back in 1791, there was no thought of a search going beyond the person because technology was only in the beginning stages of its mere existence. Nevertheless, over the past couple of decades, technology has caused some searches to appear as questionable violations of the Fourth Amendment. The questionable violation began with wiretapping phone calls and the Global Positioning System because it became easier for law enforcement to conduct surveillance.

One of the first cases that questioned whether the new form of surveillance conducted was done in an unconstitutional manner was in *Katz v. The United States*. Charles Katz was convicted in 1967 under an eight-count indictment for the illegal transmission of wagering information across the United States. The FBI was only able to convict Katz after using an eavesdropping device to listen to his private conversation held in a public telephone booth. Katz later appealed arguing the recordings of his private conversations violated his fourth amendment rights of unreasonable searches and seizures and the Supreme Court voted in a 7-1 decision in

favor of Katz (Oyez). The Supreme Court's decision to favor Katz came from the fact that the Fourth Amendment protected him because he had the intentions of keeping his conversations private regardless of it taking place in a public space.

The Supreme Court used the ruling of *Katz v. the United States* to help establish their argument on similar cases that questioned any unconstitutional searches and seizures. *United States v. Katz* may be viewed as one of the leading cases that influenced the manner of how law enforcement conducted their surveillance. What makes the *Katz* case separate from any other Fourth Amendment case is the fact that its ruling led cases like *Olmstead v. the United States* and *Goldman v. United States* to be later overruled because the use of technology as surveillance was viewed as a violation of the Fourth Amendment. Whether the perpetrators' actions were viewed as illegal and unjust this did not give law enforcement the right to infringe on a person's right to privacy. Such as the *United States v. Jones* case, where a tracking device was implanted on the vehicle of Antoine Jones' Jeep without Judicial Approval and was argued by law enforcement that it did not violate Jones' Fourth Amendment right because they had received a warrant to attach the device to the vehicle. The Supreme Court held that "the Government's installation of a GPS device on a target's vehicle, and its use of that device to monitor the vehicle's movements, constitutes a "search" (Scalia). In addition, Justice Scalia argues that the *Jones* case constitutes as an effect which is protected by the Fourth Amendment.

While the Supreme Court ruled in favor of *Katz* and *Jones*, there is some familiarity between *Katz*'s case and the NSA's new and technological advance of eavesdropping. Charles Katz had no idea that FBI agents were listening to his private conversation and although the crimes he committed did not breach national security he was still granted protection by the

constitution. Yet, the millions of customers of Verizon were never granted such protection and in return caused American citizens to reconsider the constitutional implications over privacy.

First Amendment Privacy

Meanwhile, Ken Gormley agrees that our right to privacy is protected by the fourth amendment however, it is not the only amendment that is used to validate privacy. Gormley argues that the First Amendment protects the individual as much as the Fourth Amendment. Although it is not as clear as the Fourth Amendment, it can be suitable when discussing the protection of a person's right to have the privacy of beliefs and the privacy to freely engage in private thought without government interference.

In conjunction with technology rapidly progressing, the internet has assisted with a breach of privacy by giving individuals a new form of expressing private thought. How does the internet do this? The internet is merely the paper that is being written on. The scribe in this case is the individual who produces media content online. In today's day in age, we can basically post whatever we want on social media. These social media websites allow a person to express their thought on the internet for anyone to read and comment. This brings in a whole new level of "peacefully assemble" because it is happening in a virtual world but what happens when the content that is being written online or produced is used by the government to convict a person? Do we lose a sense of privacy because we have decided to put it online?

According to the Hawaiian law enforcement we do. Richard Godbehere, a Hawaiian resident posted a video of himself "driving and drinking" on the website LiveLeak back in 2013 and was arrested for driving under the influence shortly after the video was posted. Godbehere argued that the video was just a parody and that the contents in the beer bottle was not alcohol. If Godbehere's online post got him into trouble because it displayed him performing criminal

activity, should we be more cautious about what we put online? According to attorney Bradley Shear who specializes in social media law, “in criminal cases, almost all evidence is discoverable and police can obtain the evidence. It's just a matter of what hoops they have to jump through.” (Russell). Godbehere’s case can be viewed with a critical lens because he made this video public for anyone to see; however, what if Godbehere initially posted the video of him consuming alcohol on a private account, would law enforcement still be able to use the video as probable cause to arrest or is online privacy just another hoops to jump through?

Attempting to define privacy as a legal concept cannot be done as easily because “depending upon the particular climate of American life,” the term is used loosely. As Meg Leta Jones describes in her book *Ctrl + Z The Right to be Forgotten*, the issue on hand deals with making sense of the digital reality that will “need to fit within the socio-technical legal cultures.” (Jones) Looking at privacy in a legal perspective becomes cloudy because in the U.S., the right to any form of privacy was discovered through experience. As mentioned before, cases taken to the Supreme Court that question privacy violations were often ruled in favor of the Complainant because the uncertainty of that was between privacy and technological advances.

Privacy Expectations

The technological innovations that have emerged over the years has introduced a new practice of surveillance that has given the government flexibility to work around the scope of the law surrounding privacy. However, law abiding citizens are expected to have any form of privacy be present. As mentioned in the beginning of this essay, American citizens were outraged when the Snowden released information about the NSA’s actions and caused a debate over whether their expectation of privacy is being respected. When no law is being broken and no harm is coming, how can there be a reasonable explanation of breaching privacy. Which leads

us to apply our new knowledge over privacy as a legal term in a fact pattern and try to decide whether privacy is permitted when national security is involved.

Fact Pattern

On March 21, 2016 during the Apple Inc. Keynote Event Tim Cook the company's CEO announced to his audience and viewers that the company has the responsibility to protect the data and privacy of its consumers. The statement given by Apple sparked debate over security and privacy because the Federal Bureau of Investigation(FBI) asked Apple to voluntarily assist in unlocking an iPhone 5C that had been owned by the San Bernardino mass shooter, Syed Rizwan Farook who killed fourteen people and seriously injured twenty-two in December of the previous year. The iPhone was lawfully seized during a federally mandated search and seizure of a black Lexus that belonged the Farook. The FBI had discovered some encryption in the phone and asked Apple in February to assist since they believed "Apple has the exclusive technical means which would assist the government in completing its search" (Wilkson 1). In a statement given by Tim Cook after the first request by the U. S. Government, he made it known that what they were asking for was something they did not have and something they considered "too dangerous" because it asked them to "build a backdoor to the iPhone." (Nakashima)

Apple refuses to assist in creating and installing a software that will make its users' "most confidential and personal information vulnerable to hackers, identity thieves, hostile foreign agents and unwarranted government surveillance"(Theodore J. Boutrous). The government argues they are merely seeking information from one isolated iPhone and not trying to breach any privacy. The question proposed is whether Apple's resistance to breach their users' privacy is inflicting a breach in national security?

Response

The answer is no, the reason stems from what it said in this essay multiple times. As citizens of the free world, there are amendments in place that protect the individual from not only unwarranted search and seizures but also privacy. As we discovered in *United States v. Jones*, the violation of the subjective expectation of privacy was violated even when no physical intrusion did not take place. We can take the information from this case and apply it to the fact pattern.

Justice Scalia mentioned in his opinion that an “effect” can be protected by the Fourth Amendment and in this case the “effect” can be the already existing software that protects Apple users from losing such privacy. In turn, it would cause law abiding citizens to rebuke any rights that protects their privacy.

Those who argue that they have nothing to hide are losing site of the dangers that the backdoor creates. Not only are you giving the government permission to have unlimited access to your private information, this software allows other people from accessing your information at no cost. It is also important to remember that by no means is Apple protecting Farook, owner of the iPhone. Like the majority of the U.S. population, Apple demands justice in this case just not at the expense of American citizens losing their privacy.

My Revelations

As discovered in this essay, in spite of everything, there is still some uncertainty when discussing legal privacy and technology. The debate concerning the importance between national security and privacy had withered for a while after the NSA exposure of unwarranted surveillance but has recently restarted after Apple’s refusal to assist the FBI. Even with cases like *United States v. Katz*, we are still faced with some uncertainty. I believe that the only we can be

protected from unwarranted searches is by either updating or creating laws that specifically include the digital realm and until this happens we are merely going through obstacles in order to protect our privacy.

Annotated Bibliography

Apple Inc. "Apple Special Event." Apple Events. Cupertino, 21 March 2016.

This is the recording of the March 2016 Apple Keynote. In the first ten minutes of the video, Tim Cook addresses their ongoing dispute with the FBI. This video fits perfectly within my research because it gave me the opportunity to the questions Cook proposed during his talk.

Black, Ian. NSA spying scandal: what we have learned. 10 June 2013. 30 April 2016
<<http://www.theguardian.com/world/2013/jun/10/nsa-spying-scandal-what-we-have-learned>>.

The article focused on the NSA scandal of 2013 and the long-term effects it could potentially cause. After reading the article, I realized that the major concern Black had in his article were legitimate concerns. This source was found late in my research and it gave me another example of a breach of privacy law enforcement and the U.S. government have conducted in previous years.

Boutros, Theodore Jr. Apple Inc.'s Motion to Vacate Order Compelling Apple Inc. to Assist Agents in Search, and Opposition to Government's Motion to Compel Assistance. No. CM 16-10 (SP). United States District Court. 22 March 2016.

This source is a response made by Apple explaining why they have chosen to oppose the government's motion to help build a backdoor from their software. The motion contains legal implication to why they are choosing to say no. I am using this source to help put together my fact pattern.

Government's Ex Parte Application for order compelling Apple Inc. to assist Agents in search; memorandum of points and authorities; Declaration of Christopher Pluhar' Exhibit. No. 15-0451M. United States District Court for the Central District of California. 16 February 2016.

In order to obtain the true facts of the order given by the FBI, I must use the official ex parte application so the facts that I present in my fact pattern are true. The application contains the memorandum as well which allowed me to double check my timeframe.

GPO. "Fourth Amendment." Search and Seizure. Document. 2016.

In my paper, I bring up the fourth amendment quite often so it is crucial that I include the true texts of the amendment. I am focusing a majority of my paper on the searches and seizures done in the U.S. and this source allowed me to explain in my paper the protections of the fourth amendment.

Jones, Meg Leta. Ctrl+Z: The Right to be Forgotten. New York City: New York University Press, 2016.

This book focused on the different aspects of having the right to be forgotten. After reading the book in its entirety, I have gained a better understanding of the differences

between having right to be left alone as Brandies states and the right to be forgotten. I spend some time in my paper the difference to clarify that they are not the same thing.

"Katz v. United States." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. May 12, 2016. <https://www.oyez.org/cases/1967/35>

I am using a number of cases to illustrate any breach of privacy that has been committed in the United States. The case Katz v. the United States was seen as a landmark case by some because it forced the Supreme Court to face the issues surrounding technological advances and the qualifications of a search and seizure.

Memorandum Decision . No. 49A02-1502-PL-101. Court of Appeals. 29 April 2016.

This source is another case. The case Farr v. New Life Associates and Planned Parenthood Indiana Inc., focused on the Jennifer Farr's belief that negligence and emotional injury was committed when Planned Parenthood released her medical records to the Putman's prosecution office. However, what protected Planned Parenthood in this appeals case was the HIPPA act. I am using this case to illustrate the protection doctors, hospitals, and medical facilities are entitled to when releasing court ordered documents.

Merriam-Webster. Privacy. 03 April 2016 <<http://www.merriam-webster.com/dictionary/privacy>>.

This source contains the standard definition of privacy. I spend a section of my paper explaining the issues surrounding the standard definition of privacy when applied to the law.

Nakashima, Ellen. Apple vows to resist FBI demand to crack iPhone linked to San Bernardino attacks . 17 February 2016. 25 March 2016

<https://www.washingtonpost.com/world/national-security/us-wants-apple-to-help-unlock-iphone-used-by-san-bernardino-shooter/2016/02/16/69b903ee-d4d9-11e5-9823-02b905009f99_story.html>.

The article written by Ellen Nakashima gave me the appropriate amount of information to get an understanding of the Apple and FBI incident. I am considering entering a fact pattern in my paper to help apply the laws I will be talking about in my paper. This article is also exposing me to the opinions of those who oppose Apple's resistance.

Pew Research Center. "Public Says Investigate Terrorism, Even If It Intrudes on Privacy." 10 June 2013. Pew Research Center. 30 April

2016<<http://www.peoplepress.org/files/legacy-pdf/061013%20PRC%20WP%20Surveillance%20Release.pdf>>.

The Pew Research Center conducted a poll over the public investigation on terrorism. The reports indicate that a majority of American believe that national security trumps privacy because it is keeping the U.S. safe. Although this source argues on behalf of the opposing side, I am going to use it to strengthen my argument. The report offers plenty of statistics that I can be implemented in my essay.

Richards, Neil M. "The Limits of Tort Privacy." Semantic Scholar.

<<https://pdfs.semanticscholar.org/598f/0ad37d6c30375b32d82e31d46307c011ba6f.pdf>>.

Neil Richards' main focus in his essay is tort privacy. He expands the general meaning of tort by interconnecting it with privacy. Richards spends a majority of his essay emphasizing the importance of practicing tort privacy. He expands on the ideas that Brandeis and Warren present in their essay, "The Right to Privacy" by further analyzing their take on privacy.

Russell, Lauren. When oversharing online can get you arrested. 18 April 2013. CNN. 17 April 2016 <<http://www.cnn.com/2013/04/18/tech/social-media/online-oversharing-arrests/>>.

The article written by Lauren Russell is all about the oversharing that happens in an online community and the dangers it can bring. The article explores an incident when a man was arrested for putting a video of him drinking and driving online. Law Enforcement later saw the video and it was enough probable cause to arrest him. I am going to use this article to help me illustrate privacy and the constitutional implications many see as true.

U.S. Department of Health & Human Services. The HIPAA Privacy Rule. Office for Civil Rights. 25 April 2016 <<http://www.hhs.gov/hipaa/for-professionals/privacy/>>.

A section of my paper focuses on the HIPAA Privacy Rule and the outcomes of such acts taking place. The argument I am going to be making stems from the conflict that comes tort privacy and the HIPPA Act. Since the act allows the government access to private medical records this causes a strain when discussing tort privacy and requires me to think about new approaches.

"United States v. Jones." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. May 12, 2016. <https://www.oyez.org/cases/2011/10-1259>

Similar to the other cases I am using in my essay, United States v. Jones is another exculpatory example that helps me illustrate privacy protection under the Fourth Amendment. I believe this case is going to strengthen my argument because it introduced a new way of interpreting what classifies a search and seizure when technology is used.

Wisconsin Law Review. "One Hundred Years of Privacy." 1992. Privacy in Cyberspace.

Ken Gormley uses this essay to introduce the evolution of the privacy and its role in society. The essay ultimately tries to define privacy law in the United States. He introduces us to the different definitions other scholars have created over the years and tries to create one clear definition. He then realizes that all of the definitions consists of "five distinct species": The Privacy of Warren Brandeis, Fourth Amendment Privacy, First Amendment Privacy, Fundamental-Decision Privacy and State Constitutional Privacy. This essay is a great starter source because Gormley gives a background of privacy in the United States. He introduces to the reader where in the law does privacy roam in.

Wisconsin Law Review. 30 March` 2016 <<http://cyber.law.harvard.edu/privacy/Gormley--100%20Years%20of%20Privacy.htm>>.

This source is quite useful to my research because it introducing me to legal cases where the advancement of technology has made the act of surveillance an infringement of one's privacy. The review includes an article that focuses on the future of privacy rights in the United States. The sources discussion on amendments new surveillance infringes like the first and fourth amendment. The research best fits my research because it gives me examples of the government infringing privacy right and it provides the opinions of the supreme court cases which allow me to understand the perspectives of the individuals who think about the interpretation of the law for a living.

Final Synthesis Essay

The common theme my section of HCOM 475 shared was the relationship between Humanity and Technology. Throughout the semester we participated in open discussion on the specified topic given by our professor, David Reichard. Coming together twice a week to discuss the relationship between humanity and technology allowed all of us to become more aware on our own relationships with technology. My own personal contribution to my capstone class was actively listening to what others had to say. Many of the topics that were discussed during our seminar sessions were often analyzed with a critical lens.

A majority of the class took advantage of seminars to express their thoughts on the topic of the week. It was interesting to witness how open people became during our time together and I believe what made it easier was the face to face eye contact we did. As I talked to other capstone students from different sections I realized that my section was different. Technology is not always the first topic that comes to hand when we talk about social issues but as my class discovered through out the semester there are many concerns surrounding technology.

I believe that I have assisted throughout the semester in identifying the major issues surrounding humanity and technology. Although I am the type of student that loves to listen to what other people have to say, I found myself raising critical issues that needed to be addressed when we discussed the overall affects technology has on humanity. Since we were required to complete a reader's responses prior to any seminar, it gave me the opportunity to have time to either collect my thoughts on the reading or challenge them. Having this time to collect my thoughts gave me a better outcome when it came to collaborating with my classmates. While many of the topics caused some debate within our class, we remained respectful of the difference we shared. I believe that hearing the differences we shared helped us grasp a better

understanding of the topic on hand because we were not only exposed to one side of the week's topic.

As I began brainstorming my project topic, I knew that I wanted to connect my concentration with the theme of the course. Since my concentration was pre-law I had to go beyond anything we had covered prior to submitting our proposals. I noticed that weeks after our proposals were due, we were going to be discussing privacy and security. I am connecting my research topic and my courses theme by revealing the basic issues surrounding the constitutional implications of privacy in the digital realm when national security is perceived as far more significant.

My research essay has deepened my understanding of the shared my class has by exposing the reality of technological effects on privacy. In class we spent the entire semester discussing the role technology had in society but it was always difficult to try and relate it to law. Not only did this paper deepen my understanding of technology's relationship within society, I am now more aware of its relationship with the law. Writing this paper made me realize how much further the United States needs to go in order to completely balance technology and privacy.

As I finished my project, I found the analysis of my research to be the most compelling. Prior to writing my essay, I had no stance on the issue due to the lack of knowledge and uncertainty but after making myself critically analyze the issue I ended with a clear stance.

After re-reading my essay a million times, I am certain it meets the essay criteria requirements that were given to us in the beginning of the semester. I introduce scholarly articles sources as well as sources that have legitimacy. In addition, my paper compliments my seminar's shared common theme as well. Not only do I connect it with my course, I have also connected it

to my chosen concentration which ultimately exposed me to deepen my knowledge of law. The first sections of my essay focused on defining privacy as a legal term and I simply summarized Ken Gormley's argument and added my personal interpretation of what he was implying.

As my capstone course comes to end, I am leaving with a greater understanding of how much technology has challenged human existence. Although there is still uncertainty with some of the topic that we discussed in class, I am still leaving with much more than what I came in with.